

Public Notice

U.S. Army Corps of Engineers, Norfolk District

July 18, 2005

CENAO-TS-G
05-V1525

FEDERAL PUBLIC NOTICE

The District Engineer and the Virginia Department of Environmental Quality have received a joint application for Federal and State permits as described below:

APPLICANT

W.J. Vakos & Company
Attn: Bill Vakos
4840 Southpoint Drive
Fredericksburg, Virginia 22407

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in predominantly forested wetlands that are a tributary to Mill Dam Creek, at 1805 Battlefield Boulevard North, in Chesapeake, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to construct a commercial development on a 72 acre parcel, impacting 7.15 acres of forested wetlands and 0.61 acres of emergent wetlands. Transportation improvements required by the City of Chesapeake account for 2.5 acres of the proposed impacts. The applicant proposes to mitigate the wetland impacts by purchasing credits from the Hampton Roads Airport Mitigation Bank (2:1 for the forested impacts and 1:1 for the emergent impacts).

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ) assuring that applicable laws and regulations pertaining to water quality are not violated. Project drawings are attached.

AUTHORITY: Permits are required pursuant to Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the individual and cumulative impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Engineer within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Engineer will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: elirons@deq.state.va.us.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-TS-G), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on August 17, 2005.




If you have any questions about this project or the permit process, please call:

Robert Berg (757) 201-7793

FOR THE DISTRICT ENGINEER:

Michael A. Schwinn
Chief, Western Virginia
Regulatory Section

Attachment: Drawings

<p>LEGEND</p> <p> BLURRED NON-IMPACTED WETLAND LIMITS (22.34 ACRES ±)</p> <p> PROPOSED BLURRED FORESTED WETLAND IMPACTS</p> <p> PROPOSED BLURRED EMERGENT WETLAND IMPACTS</p>	<p>SITE DATA:</p> <p>PROJECT AREA: 73.48 ACRES ±</p> <p>JURISDICTIONAL AREAS:</p> <p>NON-TIDAL WETLANDS: 22.34 ACRES</p> <p>JURISDICTIONAL AREA IMPACTS:</p> <p>FORESTED WETLANDS (FOW): 7.19 ACRES ±</p> <p>EMERGENT WETLANDS (EWL): 0.01 ACRES ±</p> <p>TOTAL: 7.78 ACRES ±</p>
	<p>DEVELOPMENT DATA:</p> <p>BLP: 3.87 ACRES ±</p> <p>COMMERCIAL: 296,206 S.F. ±</p>
	<p>NOTE:</p> <p>THE APPROXIMATE LIMITS OF WETLANDS SHOWN ON THIS MAP ARE BASED ON AERIAL PHOTOGRAPHY AND FIELD SURVEY DATA. THIS MAP IS FOR PLANNING PURPOSES ONLY.</p>

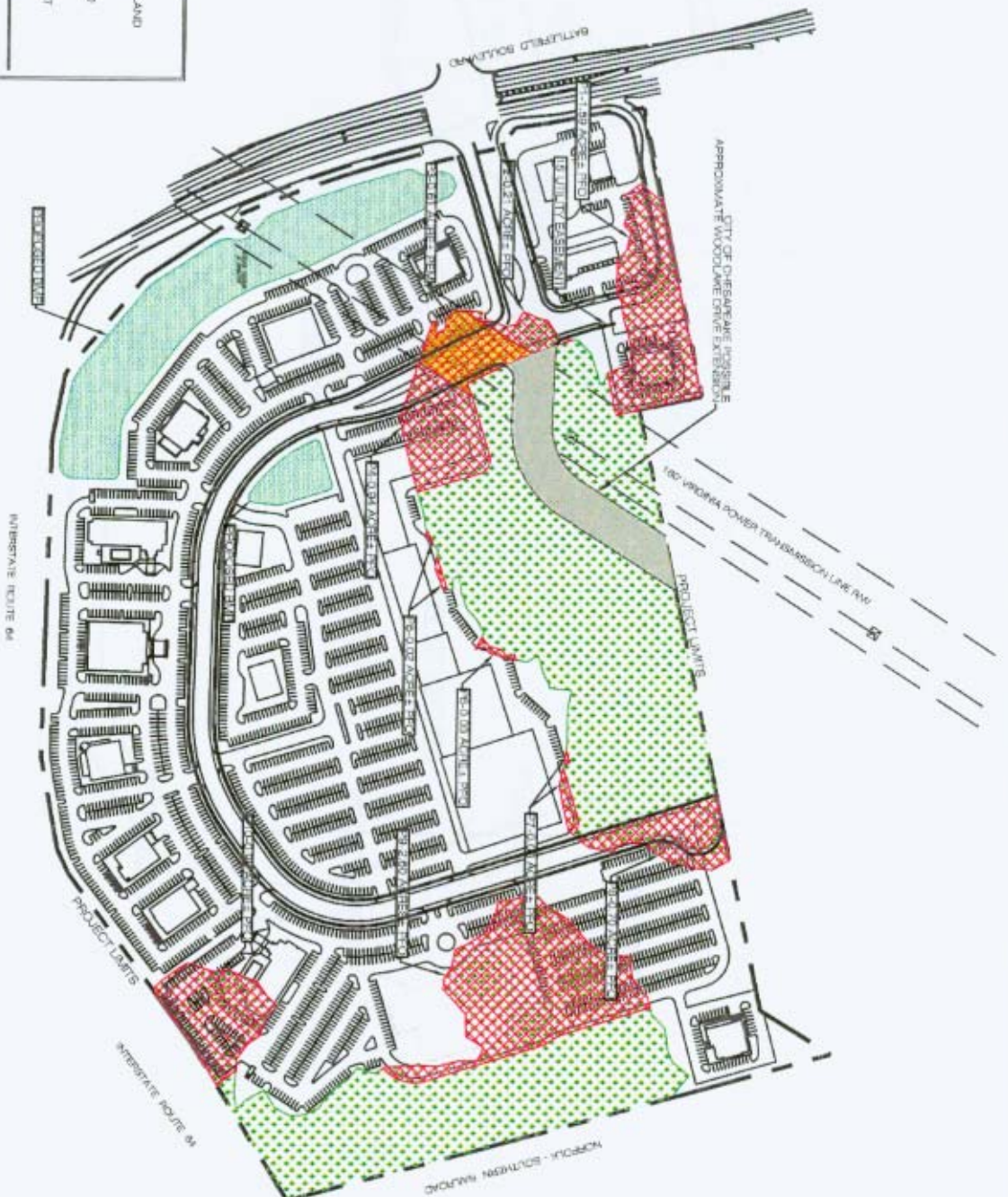


FIGURE 3-1
JURISDICTIONAL AREA IMPACT MAP
SELECTED ALTERNATIVE
BATTLEFIELD BOULEVARD
COMMERCIAL DEVELOPMENT
CITY OF CHESAPEAKE, VIRGINIA

DATE: JUNE 27, 2005
 JOB NUMBER: 1955
 SCALE: 1 INCH = 400 FEET
 SOURCE: BASE MAP PROVIDED BY HORTON
 & DODD, P.C.



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